



Thomas O. Forslund, Director

Governor Matthew H. Mead

D Provider Bulletin

DATE: January 9, 2013

TO: Adult Developmental Disabilities (DD) Waiver, Child DD, and Acquired Brain Injury Waiver

Providers, waiver participants and legally authorized representatives

4 Simpson Joe Simpson, Administrator FROM:

Wyoming Department of Health, Behavioral Health Division, Developmental Disabilities Section

SUBJECT: Limitations on Increases to Individual Budgeted Amounts (IBAs)

REF #: JS-2013-082

Limitations on IBA increases

Effective immediately, the Wyoming Department of Health, Behavioral Health Division's (the Division) Participant Support Unit may not approve any dollar amount above the stated IBA listed in the Electronic Medicaid Waiver System, unless the increase is for:

- A psychological or neuropsychological evaluation up to \$1000 for continued eligibility.
- Independent Support Brokerage up to 320 units for a participant starting to self-direct and requests the extra units. If a participant does not want a support broker, it will be reviewed by the Division.

If additional supports are needed and the Individualized Plan of Care (IPC) team wants to request an IBA increase due to loss of functioning, increase in behaviors, or a lower Inventory for Client and Agency Planning (ICAP) assessment service score, the request will not be approved unless the situation meets criteria of the Extraordinary Care Committee (ECC). When health and safety issues arise with a participant, the participant's team will need to examine the cause of the issue and try various options to better support and stabilize the person, including but not limited to:

- A change in supports, services, schedule of activities, location of service or service environment, providers, service delivery, or a revised positive behavior support plan or treatment protocol.
- The use of more natural supports, including more visits with friends, family, and social groups.
- The use of other available Medicaid state plan services, such as medical professionals, psychologists, psychiatrists, dental care, home health, etc. The teams may need to look at other placements, such as nursing homes, if they feel they cannot safely provide services.
- The use and exploration of other community resources, such as support groups, advocacy organizations, clubs, volunteer sites, charities, non-profit organizations, etc.

The team may request ideas or technical assistance for a health or safety matter with the Division's Participant Support Specialist, the Division Nurse, or Unit Manager. All attempts at change to the person's care and support shall be documented for effectiveness.

> Chris Newman, M.H.A., Senior Administrator Alice Russler, Ed.D., Mental Health and Substance Abuse Services Administrator Joe Simpson, M.S., Ed.S., Developmental Disabilities Administrator Wyoming Department of Health, Behavioral Health Division 6101 Yellowstone Road - Suite 220 • Cheyenne WY 82002 FAX (307) 777-5849 • 800-535-4006 • (307) 777-6494

Allowable ECC Requests

If an eligible person needs emergency services for physical care and supervision in the least restrictive and most appropriate environment necessary to maintain the person's vital functions, and without which services the person would suffer irreparable harm or death, then a request for emergency waiver funding may be submitted and reviewed by the Division. In order for the request to be reviewed by the Extraordinary Care Committee for additional funding, the request must contain verification of the emergency situation and meet one of following criteria:

- A loss of the eligible person's primary caregiver due to death, incapacitation, or a critical medical condition and no other living arrangement with a state-funded program, family, or friend is available to meet his or her basic living needs. (A caregiver is defined as any person or agency responsible for the care, both physical and supervisory, of a person because of a family relationship, voluntary assumption of responsibility for care, court ordered responsibility or placement, rendering services in a residential program, rendering services in an institution or in a community-based program, or acceptance of a legal obligation or responsibility of care to the person.)
- Homelessness, meaning a person lacks access to an adequate residence, where the appropriate resources are available to meet the person's care and supervision needs and prevent the threat of serious harm to the person's life or health. Documentation is required that includes reasons why the local homeless shelter, victim's shelter, or other temporary residence is not an appropriate setting for temporary shelter and support for the person; or why there is no local shelter for the person to reside; and why due to other conditions of the emergency or the person's condition, an existing waiver provider would be the most appropriate and safe emergency intervention or shelter and the waiver would be the payer of last resort. Situations that do not qualify include the person living in an institution, nursing home, residential facility, or with family members who no longer wish to be responsible.
- An eligible person is removed from his or her home due to abuse, neglect, abandonment, exploitation, or self-neglect substantiated by the Department of Family Services (DFS) or law enforcement and no other living arrangement with a state-funded program, family, or friend is available to meet his or her basic living needs.

For a participant who has a higher IBA due to behavioral issues, the request to continue a higher level of funding than the tiered rate originally assigned to a participant will be reviewed by the Extraordinary Care Committee with substantial documentation required, along with a plan to reduce supervision as the participant stabilizes due to strategies implemented by the provider and other professionals.

The Division will continue to fund children aging from the Child DD Waiver to the Adult DD Waiver. The non-residential IBA funding model will be used. If residential services are required, the Extraordinary Care Committee will review the case. Other resources may need to be utilized, if the adult cannot be served within the budgeted amount.

Verification

All acceptable requests reviewed by the Extraordinary Care Committee will continue to require verification of the person's emergency situation. All verification needed, will be determined by the Division according to the ECC checklist posted on the Division's website and must be submitted by the case manager prior to the Division staff scheduling the ECC case review.

Questions

This bulletin is in effect as of the date posted and supercedes all previous IBA bulletins. Any requests currently submitted to the Division as of January 9, 2013 will be reviewed following the previous IBA Adjustments and Revised ECC Policy and Procedures Division Memorandum from October 14, 2010. Case managers are asked to review this bulletin with teams as these requests arise with IPC team members. If you have questions regarding this bulletin, please contact Rory Schiffbauer at (307) 777-7115 or your assigned Participant Support Specialist.